

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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Index No 1:20-CV-1773

Sylwia Ewelina Madej Manchanda,

Plaintiff,

AMENDED COMPLAINT

-against-

Immigration Services Officer Andrea Lewis,

Defendant.

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Plaintiff, Sylwia Ewelina Madej Manchanda, for its Complaint against Defendant Immigration Services Officer Lewis alleges:

1. Plaintiff, at all times relevant hereto, lives on the Upper West Side in New York, New York 10019.
2. Defendant works at the USCIS Field Office located at 26 Federal Plaza, Room 7-700, New York, New York 10278.
3. This complaint concerns the racist, harassing, threatening, intimidating, illegal, unlawful, dishonest, unfair, fraudulent, tyrannical, corrupt, deceitful, intentionally and negligently tortious, manipulative, and incompetent behavior of the above referenced Defendant Immigration Services Officer Andrea Lewis acting in contravention of 42 § 1983 regarding a civil action for deprivation of rights of the Plaintiff, and then when lawful timely *bona fide* complaints against her behavior were made by

Plaintiff with the relevant civil rights departments at the U.S. Department of Justice and Department of Homeland Security, Defendant then embarked and engaged in a relentless and ongoing campaign of retaliation and reprisal against Plaintiff and her husband in violation of 42 U.S.C. § 2000ee-1(e).

4. This case also involves various violations of the Federal Tort Claims Act ("FTCA") 28 U.S.C. §§ 1346(b), 2671-2680 which authorizes monetary recovery due to "negligent or wrongful acts or omissions of any employee of the Government while acting within the scope of his office or employment" 28 U.S.C. §§ 1326(b) while section 2860(h) of the FTCA permits suits for malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit committed by investigative or law enforcement officers of the United States Government."
5. This includes DHS and Immigration Officers pursuant to 8 U.S.C. § 1357(a)(2) and 8 C.F.R. § 103.1(b).

#### **42 § 1983 CIVIL LIABILITY ISSUES**

6. Pursuant to 42 § 1983, every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person

within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable;

7. The Civil Rights Act of 1871 is a federal statute, numbered 42 U.S.C. § 1983, that allows people to sue the government for civil rights violations. It applies when someone acting "under color of" state-level or local law has deprived a person of rights created by the U.S. Constitution or federal statutes;
8. Courts have determined that the "under color of" clause requires that the wrongdoer qualify, at least in some sense, as a representative of the state when depriving the victim of civil rights - in a nutshell, the clause refers to people who misuse some kind of authority that they get from state law;
9. Police officers who use excessive force generally fit this bill;
10. Judges can consider a number of factors to decide whether, when violating someone's federal rights, an officer was acting under

the color of state law - among them are whether the officer: (a) was on duty; (b) was wearing a police uniform; (c) used police equipment (like a squad car or handcuffs); (d) flashed a badge or otherwise claimed to be an officer, or (e) carried out an arrest;

11. When a Section 1983 suit has to do with an arrest - a central police function - a court will normally consider the officer to have acted under color of state law;

#### **CRIMINAL ACTS**

12. Under the federal criminal code, Section 242 of Title 18 makes it a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States;
13. For the purpose of Section 242, acts under "color of law" include acts not only done by federal, state, or local officials within their lawful authority, but also acts done beyond the bounds of that official's lawful authority, if the acts are done while the official is purporting to or pretending to act in the performance of his/her official duties;
14. Persons acting under color of law within the meaning of this statute include police officers, prisons guards and other law



enforcement officials, as well as judges, care providers in public health facilities, and others who are acting as public officials;

15. It is not necessary that the crime be motivated by animus toward the race, color, religion, sex, handicap, familial status or national origin of the victim;
16. The offense is punishable by a range of imprisonment up to a life term, or the death penalty, depending upon the circumstances of the crime, and the resulting injury, if any;
17. Title 18 U.S.C. § 242 states: "Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States...shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to

kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death;"

**42 U.S. CODE § 2000EE-1. PRIVACY AND CIVIL LIBERTIES OFFICERS**

18. Under 42 U.S. Code § 2000ee-1 dealing with privacy and civil liberties officers, sub-section (e) pertaining to Reprisals For Making A Complaint, "No action constituting a reprisal, or threat of reprisal, for making a complaint or for disclosing information to a privacy officer or civil liberties officer described in subsection (a) or (b), or to the Privacy and Civil Liberties Oversight Board, that indicates a possible violation of privacy protections or civil liberties in the administration of the programs and operations of the Federal Government relating to efforts to protect the Nation from terrorism shall be taken by any Federal employee in a position to take such action, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity."

**Federal Tort Claims Act ("FTCA")**

19. This case also involves various violations of the Federal Tort

Claims Act ("FTCA") 28 U.S.C. §§ 1346(b), 2671-2680 which authorizes monetary recovery due to "negligent or wrongful acts or omissions of any employee of the Government while acting within the scope of his office or employment" 28 U.S.C. §§ 1326(b) while section 2860(h) of the FTCA permits suits for malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit committed by investigative or law enforcement officers of the United States Government.

20. This includes DHS and Immigration Officers pursuant to 8 U.S.C. § 1357(a)(2) and 8 C.F.R. § 103.1(b).

**IMMIGRATION SERVICES OFFICER ANDREA LEWIS**

21. On or about 10 PM on February 13, 2020, Plaintiff through her immigration lawyer husband filed a formal complaint and request for investigation with the civil rights divisions of the U.S. Department of Justice and Department of Homeland Security into the abusive behavior by Immigration Services Officer Andrea Lewis at their marriage/greencard/adjustment of status interview on February 13, 2020 at the New York USCIS Field Office located at 26 Federal Plaza, Room 7-700, New York NY 10278;
22. The complaint dated February 13, 2020 read in sum and substance:

23. "The worst part of the way both me and my wife were treated (I am one of the top immigration lawyers in New York City and the United States, having practiced Immigration Law for nearly 20 years since March 2002 in my own law practice on Wall Street, so I obviously know what I am doing) was the way ISO Lewis, an African-American woman, made subtly racist comments directed at my wife is who is white and Polish (and a high level international fashion model), and at me, who is Indian-American, while my young baby son Gabriel Manchanda, 6 months old, was sitting on my wife's lap during this 'interview,' which felt more like a Gestapo or KGB interrogation than an immigration marriage interview;
24. "This was coming on the heels of the New York DHS Field Office making us wait, to be literally THE LAST PEOPLE TO BE INTERVIEWED IN A ROOM OF 100s OF PEOPLE, even though we arrived on time at 1:42 PM for our 2 PM interview, only to be forced to sit and wait until at least approximately 4:30 PM, with various DHS/USCIS Officers floating around us, looking at us, making eye contact, snickering behind our backs, making comments about me, my wife, and my baby, hinting/insinuating/indicating how they were going to screw me because I am a famous immigration lawyer who happens to be a Trump supporter and conservative, mocking us here and there while my 6 month old baby cried hysterically, we had to change his pampers in the waiting facility, and other horrific



abuses;

25. When we finally were brought in for our 'interview,' ISO Lewis constantly, in front of me and my baby son, insinuated that my beautiful Polish wife was a prostitute, that I was marrying her for fraudulent purposes, questioned the 'bona fides' of our marriage, mocked my profession as a leading New York City immigration lawyer for the past 20 years who regularly appears on FoxNews, CNN, CourtTV, MSNBC, I-24 News, Channel 2 News, Law & Crime Network, having written and published 3 books about court and government corruption (Deep State Defector I, II, and III), and also write for nearly 10 online periodical newspapers;
26. "Even more grotesquely, ISO Lewis began to ... humiliatingly asking my current wife Sylwia ... other ... comments that are really none of her business, have nothing to do with our marriage or her adjustment of status interview;
27. "We gave this ISO Lewis a ton of documents required under the immigration laws, including everything that is statutorily required, such as tax and financial information, lease documents, birth/marriage certificates, but ISO Lewis essentially 'poo-pooed' all of this, basically ignored it, and instead chose to insult, harass, and mock us and our baby son, making my beautiful and decent Christian wife from Poland, tear up and cry;

28. "All ISO Lewis kept trying to do was trip us up, trap us, and make us say something that wasn't even true;
29. "The marriage immigration interview should be a pleasant experience, welcoming a foreign national to the United States as a permanent resident, showing the good side of the United States, not making my wife and baby cry with abuse, insults, mockery, humiliation, racism, discrimination, intimidation, threats, harassment, and fear;
30. "Having practiced immigration law for nearly 20 years in New York City and throughout the United States and Consular outposts all over the world, I have never seen such an ugly, egregious, disturbing, flippantly biased, humiliating, and abusive interview for my clients and others;
31. "And I certainly will not accept it for me, my beautiful wife, and my beautiful baby son Gabriel;
32. "I need redress, justice, and a remedy now, otherwise I will be pursuing federal court action and going to the newspapers;
33. "This is what is wrong with Socialism/Communism - giving one human being with all of their inherent bias, racist feelings, jealousy, arrogance and abuse of power, abuse of law and

authority to hurt and harm others, especially my baby son and wife, and I will not allow this to stand - hence my complaint and request for investigation to your office;

34. Plaintiff and her husband also reached out to several senators and congressmen relating to their experience with ISO Lewis and other staff members of the New York DHS/USCIS Field Office;

**REPRISALS AND RETALIATION FOR FILING COMPLAINT IN VIOLATION OF 42 USC**

**§ 2000ee-1(e)**

35. Instead of addressing the issues involving abuse of power and other problems in the interview, instead Immigration Services Officer Andrea Lewis engaged in severe, relentless, and ongoing reprisals and retaliation in response to the February 13, 2020 complaint.

36. Specifically, and to which we also reported to the same departments handling our original complaint, my prominent immigration lawyer husband practicing for nearly 20 years began receiving weird "client inquiry/phone call" from a purported "DHS/USCIS federal employee" saying that they were afraid of "death" and "direct energy weapons" and other such disturbing comments because she herself filed a complaint against another DHS/USCIS employee;

37. We don't know if this person was a legitimate prospective client, or a friend of the person that we complained about (ISO Lewis), her representative, a private investigator, or what;
38. All we know is that it thoroughly freaked us out, like a Ku Klux Klan cross burning on our front yard, and we asked the agencies to investigate it as a possible violation of federal law 42 U.S.C. § 2000ee-1(e);
39. Even worse, on or about February 27, 2020 we received in the mail, ADDITIONAL retaliations/reprisals as prohibited by 42 U.S.C. § 2000ee-1(e), wherein as you know my husband is a prominent immigration lawyer for nearly 20 years, and we received a humiliating and insulting STOKES INTERVIEW NOTICE scheduled for May 2020, whereby a husband and wife are separated for hours, grilling the both of them, because the 'immigration officer' in this case, the racist African-American sociopath ISO Lewis, suspects that our marriage is 'not real;'
40. This after we have a 6 month old baby together, sitting on my lap, staring at this evil woman, the entire time during the marriage interview on February 13, 2020;
41. Even for my own husband's immigration clients over the past nearly 20 years, he has stated that he has rarely if ever



received such a weird 'STOKES INTERVIEW NOTICE' as what we received in the mail on 02/27/2020;

42. Even worse, it was apparently mailed 02/18/2020, 5 days after we made our original complaint, but apparently fraudulently 'post-dated' 02/14/2020, the day after we actually made our original complaint, which was even more sickeningly, 'Valentines Day;'
43. This awful ISO Andrea Lewis even purposefully, dishonestly, criminally, and deliberately mailed it to our old apartment home address, probably to get the notice lost so that we would miss the interview, even though we changed our new apartment address online officially several times with official confirmation notices weeks/months prior using the AR-11 Form, verbally told her our new address in the interview repeatedly, and gave her the official address change AR-11 confirmation notices (filed several times online with confirmation numbers) in the interview, itself - not to mention that we have been receiving immigration notices at our new apartment for months so we know that she had our correct current address;
44. Again, we asked the U.S. Department of Justice and Department of Homeland Security that all of this needs to be investigated as another possible violation of federal law 42 U.S.C. §

2000ee-1(e);

**AS AND FOR A FIRST CAUSE OF ACTION AGAINST DEFENDANT**

45. Plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 44 of this Complaint;

46. Therefore Plaintiff herein sues for actual and punitive damages in the amount of \$10,000,000 for gross and rampant violations of 42 § 1983 pertaining to a civil action for deprivation of rights under the color of law and authority by government/judicial/public official defendants;

**AS AND FOR A SECOND CAUSE OF ACTION AGAINST DEFENDANT**

47. Plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 44 of this Complaint.

48. Therefore Plaintiff herein sues for actual and punitive damages in the amount of \$10,000,000 for gross and rampant violations of 42 USC § 2000ee-1(e) dealing with Reprisals/Retaliation for filing a *bona fide* legitimate complaint against federal Immigration Services Officer Andrea Lewis and her cohorts/cronies at the DHS/USCIS New York Field Office located at 26 Federal Plaza, Room 7-700, New York NY 10278;

**AS AND FOR A THIRD CAUSE OF ACTION AGAINST DEFENDANT**

49. Plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 44 of this Complaint.
50. Therefore Plaintiff herein sues for actual and punitive damages in the amount of \$10,000,000 for gross and rampant violations of the Federal Tort Claims Act ("FTCA") against federal Immigration Services Officer Andrea Lewis and her cohorts/cronies at the DHS/USCIS New York Field Office located at 26 Federal Plaza, Room 7-700, New York NY 10278;
51. such other and further relief as the Court deems just and proper, including applicable interest, costs and disbursements of this action.

**Dated:** New York, NY  
March 5, 2020

  
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